

REMARKS

Claims 1-18 and 24-28 are pending in the current application. In the above amendment, Applicants' representative has cancelled claims 1-28 and added new claims 1-30 to more particularly point out and distinctly claim that which Applicants regard as their invention. In the Office Action dated June 16, 2005, the Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph, and rejected claims 1-18 and 24-28 under 35 U.S.C. § 103(a) as being unpatentable over Coley et al., U.S. Patent No. 5,790,664 ("Coley") in view of Clark, U.S. Patent No. 6,343,280 ("Clark"). Although claims 1-18 and 24-28 have been cancelled, in the above amendment, Applicants' representative nonetheless discusses, below, reasons for which the newly added claims 1-30 are not made obvious by these cited references.

First, Applicants' representative would like to briefly describe the three, newly added independent claims, and indicate where support for these claims can be found in the current application. Independent claims 1, 14, and 24 are provided below, for the Examiner's convenience, with added emphasis:

1. A system for acquiring digital content, the system comprising:
a digital-content-accessing component invoked by a *selection interface*, provided by a *digital-content supplier*, to receive and authenticate one or more components of the digital content on a *client computer*, and to store the one or more received and authenticated components in an unusable form on the client computer; and
a *license component* incorporated within a component of the digital content that communicates with a remote *licensing broker* to verify that a user is licensed to receive the digital content and that generates a useable form of the digital content from the one or more components of the digital content.
14. A system for supplying digital content by a *digital-content supplier*, the system comprising:
a server that provides a *selection interface* to a requesting *client computer*;
one or more servers that provide, to a requesting digital-content-accessing component running on the client computer, components of the digital content in at least one of which a *license component* is incorporated; and

a means for providing license information to a remote *licensing broker* to license the digital content.

24. A system for licensing digital content, the system comprising:
 a *licensing server*
 that receives and stores license information from a remote *digital-content supplier*;
 that generates an electronic license certificate for the digital content; and
 that provides the electronic license certificate for the digital content to a requesting *license component* running on a *client computer* that, upon receiving the electronic license certificate, generates a useable form of the digital content on the client computer from the one or more digital-content components received from the remote digital-content supplier.

All three independent claims can be readily understood by reference to Figure 3 of the current application. As emphasized in the three independent claims, provided above, the claimed invention involves a selection interface (304 in Figure 3) that is displayed or otherwise instantiated on a client computer (311 in Figure 3) and that allows a user to select digital content provided by a digital-content supplier (306 in Figure 3) for acquisition by the user. The digital content is transmitted from the digital-content supplier (306) to the client computer (311), on request by digital-content-accessing component invoked by the selection interface, as one or more digital-content components and stored on the client computer in a form that is unusable by the user. When the user seeks to execute or render the digital content, a license component incorporated within a component of the digital content exchanges information with a license broker or license server (307 in Figure 3) to obtain a license for execution or rendering of the digital content. In certain embodiments of the present invention, a digital-content component is received by the digital-content-accessing component in an encrypted form that cannot be executed or rendered by the client computer. Upon receiving an electronic license certificate from the license broker (307), the license component decrypts the encrypted component or components, allowing the digital content to be executed or rendered on the client computer.

All three independent claims specifically mention the client computer, a

remote digital-content supplier, and a remote license server or license broker that cooperate to provide digital content to a user in a way that prevents unauthorized execution or rendering of unlicensed digital content by a user that does not respect intellectual property rights. The license broker is a distinct and separate entity from the content supplier, and both the license broker and digital-content supplier are distinct and separate from the client computer. The above-provided independent claims also include additional elements, such as the digital-content-accessing component (404 in Figure 4, 507 in Figure 5, and Figure 8) and the license component (406 in Figure 4), and the independent claims and claims that depend from them further specify interrelationships between these additional elements and the client computer, the remote digital-content supplier, and the remote license server or license broker. For example, the digital-content-accessing component is either supplied by the digital-content supplier or generated from a component list supplied by the digital-content supplier. As another example, the selection interface is supplied by the digital content supplier.

Coley does not teach, mention, or suggest the claimed invention. In Coley, the digital-content supplier, or software provider, is not separate and distinct from the license broker. Coley states, in the Abstract, that: "Exemplary systems involve attaching a licensing system module to the software application. Records of valid licenses are stored in the database maintained by the *software provider*." Again, on lines 7-14 of column 4, Coley states:

A software application having a client module attached thereto is hereinafter referred to as a "client application." In accordance with preferred embodiments of the invention, a client application loaded on a computer having access to a public network, such as the Internet, automatically reports to a computer maintained by a *software provider*."

Again, on lines 54-55 of column 5, Coley states that "the license server is maintained by the software provider." Coley also does not teach, mention, or suggest a digital-content-accessing component, does not teach, mention, or suggest a digital-content-supplier-supplied selection interface, does not teach, mention, or suggest authentication, by a digital-content-accessing component invoked by a selection interface, of one or more

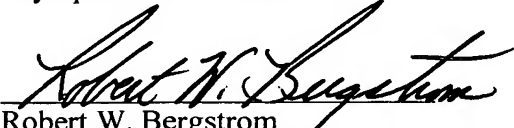
components of the digital content, and does not teach, mention, or suggest many of the other elements of the claimed invention.

Clark appears to have a filing date substantially later than the filing date of the provisional applications to which the current application claims priority, and appears therefore not to be citable in this case. Furthermore, Figure 3 of Clark does not appear to represent online purchasing code, for which it is cited by the Examiner. On lines 37-39 of column 16, for example, Clark states that Figure 3 "depicts a block diagrammatic overview of the communication between the License Server 4 and the Software Vendor 3." Figure 3 appears to describe alteration of software on behalf of a software vendor to allow keys to be generated by license agent that allow the software to be subsequently used.

In the Office Action, the Examiner apologizes for delay in the discovery of the newly cited art. No apology is needed. A patent issued for an application not thoroughly examined by the Examiner in light of all art available to the Examiner is not of great value to the Applicants. Instead, Applicants much prefer for the Examiner to take the time to fully search the art and bring to Applicants' attention any art that the Examiner feels to be relevant. Applicants' representative appreciates the Examiner's efforts.

In Applicants' representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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